## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

(Northern Division)

UMAR BURLEY, et al.,

Plaintiffs,

v.

Civil Action No. SAG-18-1743

BALTIMORE POLICE DEPARTMENT, *et al.*,

Defendants.

## PLAINTIFFS' MOTION TO COMPEL AND FOR SANCTIONS

Plaintiffs Umar Burley and Brent Matthews, by and through undersigned counsel and pursuant to Federal Rule of Civil Procedure 37 and Local Rule 104.8, and state as follows:

- 1. On December 9, 2019, undersigned served Plaintiffs' First Set of Interrogatories and First Request for Production of Documents on counsel for Defendants Ryan Guinn, Keith Gladstone, Richard Willard, William Knoerlein, and Michael Fries (collectively "Defendants"). *See* Exhibits 1–10 to Declaration of Chelsea J. Crawford ("C. Crawford Decl."), attached as Ex. A.
- Defendants' responses to Plaintiffs' discovery requests were due on January 8,
  2020.
- 3. On January 7, 2020, Defendants' counsel asked for a two-week extension, through January 22, to respond to Plaintiffs' discovery requests. *See* E-mail from J. Fields to Chelsea J. Crawford, (Jan. 7, 2020), attached as Exhibit 11 to C. Crawford Decl.
- 4. That same day, Plaintiffs' counsel Chelsea Crawford agreed to the extension. *See* Ex. 11.

- 5. On January 22, 2020, Defendants' counsel asked for an additional two-day extension. *See* E-mail from J. Fields to Chelsea J. Crawford, (Jan. 22, 2020), attached as Exhibit 11 to C. Crawford Decl.
- 6. Ms. Crawford responded that day that she would grant the additional extension, but that there would be no further extensions and that Defendants' counsel's objections would be deemed waived if he did not provide his clients' responses by January 24, 2020. *See* Ex. 11.
- 7. On February 3, 2020, Defendants' counsel emailed Ms. Crawford stating that he would be "emailing discovery responses today as they come in." *See* E-mail from J. Fields to Chelsea J. Crawford, (Feb. 3, 2020), attached as Exhibit 12 to C. Crawford Decl.
- 8. However, as of the filing of this motion, ten days have elapsed since the January 24, 2020, deadline, and Defendants' counsel has yet to serve any responses to Plaintiffs' discovery requests. *See* C. Crawford Decl.
- 9. Pursuant to Local Rule 104.8, a motion to compel may be filed with the Court when "no responses at all have been served" to answers to interrogatories or to requests for production of documents.
- 10. Pursuant to Federal Rule of Civil Procedure 37(d)(1)(A)(ii), upon the failure of a party to serve answers to interrogatories or responses to requests for documents, the propounding party, upon certifying that they have attempted in good faith to confer with opposing counsel, may seek sanctions.
- 11. As set forth in Exhibit A, Ms. Crawford certifies that she has conferred in good faith with Defendants' counsel regarding the discovery at issue by providing two separate extensions and notifying Defendants' counsel of her intent to file a motion to compel—all to no avail.

- 12. Given the complete failure of Defendants Guinn, Gladstone, Willard, Knoerlein, and Fries to respond to discovery, Plaintiffs request that the Court order that: (1) those Defendants must respond to Plaintiffs' discovery requests within five business days of the Court's Order; (2) any objections those Defendants may have been able to raise to the discovery at issue are deemed waived; and (3) within five business days, those Defendants must show cause as to why this Court should not impose monetary sanctions, including but not limited to reasonable attorneys' fees for the time Plaintiffs' counsel spent related to obtaining responses to these discovery requests and this motion to compel.
- 13. Plaintiffs therefore request that the Court grant this Motion and enter the relief requested in the attached Proposed Order.

Dated: February 3, 2020 Respectfully submitted,

/s/

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